

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re Incentive Auction Closing and)	
Channel Reassignment Public Notice)	DA 17-314
)	
Final Television Band Channel)	
Assignments Announced)	
)	
Technical Parameters for Post-Auction)	AU Docket No. 14-252
Table of Allotments)	GN Docket No. 12-268
)	WT Docket No. 12-269
For Repacking of Broadcast Station)	MB Docket No 16-306
KSEE from Channel 38 to Channel 16)	
Fresno, California)	
)	

To: Incentive Auction Task Force, Media Bureau, Wireless Telecommunications Bureau

INFORMAL PETITION

The County of Los Angeles, ("LA County"), through counsel and pursuant to Section 1.41 of the Commission's Rules, 47 C.F.R. §1.41, hereby respectfully submits its Informal Petition with regard to the above referenced Public Notice, specifically as it applies to the repacking process for television Station KSEE in Fresno, California. As part of the repacking process, KSEE has been reallocated from DTV Channel 38 to DTV Channel 16 in Fresno, California. As reflected below, KSEE was originally operating on Channel 16 and was ultimately reassigned, at its own request, to Channel 38 due to interference issues with LA County and other land mobile radio operators. LA County's public safety operations will be directly impacted once again, should the Commission reallocate Station KSEE back to Channel 16.

Background

LA County has operated public safety land mobile radio communications at 482-488 MHz (UHF channel 16) since 1987. There are over 20,000 units on LA County's radio system which primarily services the Los Angeles County Sheriff's Department as well as the County's Fire Department.

On August 21, 2003 KSEE License, Inc. ("KSEE License") was granted a license to operate on DTV Channel 16, in Fresno, California. Subsequently, on March 5, 2004, LA County requested that the Commission take action and order KSEE License to cease and desist from causing interference to LA County's public safety land mobile operations.¹ LA County provided that two of its transmitter sites (Tejone Peak and Bald Mountain) were experiencing interference from Station KSEE making portable radio operations virtually impossible. Similar complaints against KSEE License operations were filed by Portable Walkie Talkies To Go ("PWTTG") and Champion Communication Services, Inc. ("Champion").²

Less than a year later, on May 3, 2004, KSEE License submitted a Petition for Rule Making with the Video Division of the Commission's Media Bureau. In its Petition for Rule Making, KSEE provided that after commencing operations in August 2003 it was contacted by several land mobile licensees, including LA County, in the San Francisco and Los Angeles markets claiming that their respective land mobile operations on channel 16 were receiving co-channel interference from Station KSEE's operations.

¹ Los Angeles County Interference Complaint and Petition, (Chief, Spectrum Enforcement Division, Enforcement Bureau, filed Mar. 5, 2004).

² See *KSEE License, Inc., Petition for Rulemaking to Amend Section 73.622(b) of the Commission's Rules, DTV Table of Allotments*, MB Docket No. 04-236, RM-11001, filed May, 3, 2004 ("*KSEE License Petition*").

KSEE License conducted a comprehensive analysis of the interference matters and determined that the interference was co-channel interference and could not be resolved by the “installation of band pass filters, notch filters, or ferrite isolators in the land mobile equipment.”³ Additionally, KSEE License noted that it could not “modify its antenna to suppress radiation toward the San Francisco or Los Angeles receive sites without effectively destroying coverage to Fresno and degrading service throughout the Fresno market.”⁴

Although KSEE License asserted that its operations fully complied with the Commission’s rules, out of an “overabundance of caution,” KSEE License sought to reallocate its digital channel from DTV channel 16 to DTV channel 38 in Fresno while maintaining the same pattern and power it was already using. LA County and Champion filed comments in support of KSEE License’s Petition.

Accordingly, on November 5, 2004, the Commission granted KSEE License’s Petition and substituted DTV Channel 38 for DTV Channel 16 in Fresno, CA, thereby amending the DTV Table of Allotments to include Channel 38 for Fresno, California. KSEE License moved its operations to this channel and the interference issues as they related to LA County were no longer an issue.

I. The FCC’s Repacking Channel Assignments Reassigns KSEE to its Former Allocation on Channel 16

On April 13, 2017, the Commission released its Incentive Auction Closing and Channel Reassignment Public Notice.⁵ By the *Incentive Auction Public Notice*, the Incentive Auction Task Force and the Media and Wireless Telecommunications Bureaus announced the results of

³ See *KSEE License Petition* at 3.

⁴ *Id.* at 3-4.

⁵ *Incentive Auction Closing and Channel Reassignment Public Notice*, DA 17-314, Rel. April 13, 2017 (“*Incentive Auction Public Notice*”).

the reverse and forward auctions and the repacking of the broadcast television spectrum. More importantly, the *Incentive Auction Public Notice* announced the broadcast television channel reassignments and reallocations of broadcast television spectrum for flexible use made in the repacking process.

Although KSEE License did not participate in the Commission's Incentive Auction, it's station KSEE, *was involuntarily reassigned from Channel 38 back to Channel 16.*⁶

In order to ensure that LA County does not again experience interference from KSEE's operations, LA County is hereby petitioning the Commission to reconsider its repacking of DTV Station KSEE from Channel 38 back to Channel 16. The Commission has already found that this allocation results in co-channel interference with LA County and possible other land mobile radio operations in the Los Angeles and Fresno areas.⁷

⁶ See https://data.fcc.gov/download/incentive-auctions/Transition_Files. Post Auction Technical Parameters.

⁷ LA County appreciates that the Commission's proposed repack represents a reduction in Effective Radiated Power as compared to KSEE's prior operation on Channel 16. However, the proposed reduction is insufficient to eliminate the interference issue, and would not have been supported by LA County had the Commission proposed the reduction in 2004.

Conclusion

For the foregoing reasons, the County of Los Angeles respectfully requests that the Commission change the repacking allocation for Station KSEE to an allocation that will not result in co-channel interference to LA County.

Respectfully submitted,

COUNTY OF LOS ANGELES, CA



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Date: May 15, 2017

CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of May 2017, I caused a true and correct copy of the foregoing to be served upon the following parties by first-class mail, postage prepaid, addressed to:

Brett Jenkins
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Alan S. Tilles